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Environmental Protection Agency

To Whom It May Concern:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552 et seq., I am requesting information about your agency's policies regarding *ex parte* meetings during rulemaking. For additional background on the subject of *ex parte* meetings, it may be useful to refer to a recent report and related materials by the Administrative Conference of the United States' report on *ex parte* meetings.¹

Specifically, I am interested in the following:

- Does your agency have a written policy governing *ex parte* communications during rulemaking?
- If your agency does have a written policy, is it possible to find on your agency's website or somewhere else on the internet?
- If your agency does have a written policy, I am requesting a copy of that policy.

Moreover, regardless of whether there is an informal or formal policy about *ex parte* meetings during rulemaking, I am interested in clarification about record-keeping relating to these meetings and also accessibility of these records.

- Does your agency create any logs/records of who has participated in *ex parte* meetings and what subjects have been discussed?
- Do such records typically identify meeting participants by name, on the agency side or the outside parties?
- Do such records typically identify the organizations that these outside parties represent?
- What is the retention policy of your agency regarding these records? If there is a formal written policy, I am requesting a copy of that policy.
- If records are retained, are they retained electronically or on paper?
- If the records are retained electronically, are the records kept in a machine-readable form² or are the documents maintained as scans of print document?
- If the records are retained electronically, are they available to the public on the internet? If so, where.
- If electronic records are not available publicly on the internet, I am requesting a copy of all electronic records/logs of *ex parte* meeting related to rulemaking by your agency.
- If records are only retained on paper, I am requesting two examples of such records and an estimate of how many pages of total records the agency has.

¹ <https://www.acus.gov/research-projects/ex-parte-communications-informal-rulemaking>

² Assuming the document is stored as a PDF, there is a simple test of machine-readability. Open the record using a PDF reader (e.g. Adobe Acrobat Reader). Click "select all" and then copy. Open a blank document in a text editor (e.g. Word). Paste the text that was selected in the PDF reader. If textual content appears in the text editor, the records are machine readable. If not, they are likely not machine-readable.

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I am seeking the data on behalf of myself and other social scientists who are interested in understanding the dynamics of the rulemaking process in federal agencies. Because this information will be used for academic research purposes, I ask that you please waive any applicable duplication fees.

I look forward to your reply. Please let me know if there are any clarifications I can make to ensure that this request is as easy and quickly to complete as possible. My contact information is listed above.

Sincerely,
Brian Libgober